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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION-NO.
09/749,084	12/25/2000	Toshihiko Okabe		3266

7590 10/29/2003

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EXAMINER

GOLINKOFF, JORDAN

ART UNIT	PAPER NUMBER
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2174

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DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/749,084	OKABE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jordan S Golinkoff	2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because:
  - a. In figure 17, character is incorrectly spelled "chracter"
  - b. In figure 18, divided is incorrectly spelled "devided"
  - c. In figure 20, character is incorrectly spelled "chracter" in two separate locations
  - d. In figure 45 execution is incorrectly spelled "excution"

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 3 and 13 are objected to because of the following informalities.
3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The following problems are noted:

- a. Claim 3: the phrase "a switching operation" is vague and should be more clearly defined. In addition, "where a range is desired to be specified" is not grammatically correct.

- b. Claim 13: the phrase “a switching operation” is vague and should be more clearly defined. In addition, “where a range is desired to be specified” is not grammatically correct.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

- a. Claim 1: the phrase “A data transfer method comprising: displaying an operation target” is not grammatically correct. In addition, “a switching operation” is vague and should be more clearly defined.
- b. Claim 2: the phrase “a first switch is used for the switching operation of the input device” is vague and should be more clearly defined.
- c. Claim 11: the phrase “a switching operation” is vague and should be more clearly defined.

- d. Claim 12: the phrase “a first switch is used for the switching operation of the input device” is vague and should be more clearly defined.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 8-9, 11-15, 18, and 19 rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Word 97 as illustrated by Moseley (“Moseley”, Mastering Microsoft Office 97 Professional Edition).

As per independent claim 1, Moseley teaches A data transfer method comprising:

- a. displaying an operation target arbitrarily selected by a user (p.146, § “Shortcut Menu Method”, Number 1).
- b. judging whether coordinates when a switching operation was performed by an input device for said operation target are within a range specified with a range specification operation by an input device prior to this switching operation (p.146, § “Shortcut Menu Method”, Number 2).
- c. transferring data within said specified range to a transfer destination in the case said coordinates are within the specified range (p.146, § “Shortcut Menu Method”, Numbers 3 and 4).

As per claim 2, which is dependent on claim 1, Moseley teaches a first switch is used for the switching operation of the input device (p.145, § “Copy and Cut Text Methods”, Number 1).

As per claim 3, which is dependent on claim 1, Moseley teaches range specification is performed according to predetermined rules when a switching operation is performed at an arbitrary location where a range is desired to be specified (p.145, § “Mouse Techniques”, all bullets).

As per claim 4, which is dependent on claim 1, Moseley teaches range division is performed in advance according to predetermined rules for an operation target of an input device, and if an arbitrary divided range among a plurality of divided ranges is instructed by an input device, that divided range is used as the specified range (p.142, § “Selecting [Highlighting] Text”).

As per claim 5, which is dependent on claim 1, Moseley teaches an arbitrary transfer destination among a plurality of transfer destinations can be set for the transfer destination (p.145, § “Copying and Moving Text”, ¶ 2).

As per claim 8, which is dependent on claim 1, Moseley teaches the pointer of an input device is moved to within a specified range after specifying that range (p.146, § “Shortcut Menu Method”, Number 2).

As per claim 9, which is dependent on claim 1, Moseley teaches data within a specified range is transferred to a transfer destination by designating data by a range specification operation using an input device, followed by pressing a switch provided by a different input

device than the input device used to perform the range specification operation that one can use multiple input devices to perform range specifications (p.145, § “Keyboard Techniques”, line 1).

Claim 11, is similar in scope to Claim 1, respectively, and is therefore rejected under similar rationale. In addition, Moseley teaches an input device, a display device for displaying, and the use of a mouse, a display device, and a processing device (p.5, ¶ 1 and p.6 ¶ 1).

Claims 12-15 and 18-19, are similar in scope to Claims 2-5 and 8-9, respectively, and are therefore rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Moseley in view of Hoeber et al. (“Hoeber”, US # 5276795) and Roth (US # 6583797).

As per claims 6 and 16, Moseley teaches all claim limitations as applied to claims 1 and 11. Furthermore, Moseley teaches displaying a plurality of transfer destinations on a menu and selecting a transfer destination from that menu (p.152, top picture, *users can transfer words into a spelling checker or a grammar checker from the shortcut menu*). Moseley does not disclose using the most recently selected transfer destination as the default destination however. Hoeber teaches a method for selecting and executing defaults in a menu system, wherein the user can

speed their use of menus by creating a default selection (column 9, lines 3-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make a menu item the default destination, as taught by Hoeber, in a menu with a plurality of transfer destinations, as taught by Moseley, for the purpose of reducing the amount of time required for a user to choose a transfer destination. However, Moseley and Hoeber do not disclose using the most recently selected menu item as the default menu item. Roth teaches that it is known to rank menu items and arrange them in order from most recent to least recent (column 7, lines 56-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Roth's teaching with Moseley and Hoeber to create a default menu system that uses the most recently chosen item as the default. This would thereby further the efficiency of the user by speeding their selection of menu items.

11. Claims 7 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Moseley as applied to claims 1 and 11 above, and further in view of Microsoft Word 2000 ("MS Word", Screen Dumps).

As per claims 7 and 17, Moseley teaches all claim limitations as applied to claims 1 and 11. Moseley does not disclose that in the case the operation target has a hyper link, processing can be performed to disable that hyper link. MS Word teaches that it is known to remove a hyperlink in order to allow for easier word processing of a hyperlink (figures 1 - 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a function that disables hyperlinks, as taught by MS Word, to a menu system that allows users to transfer information to a plurality of destinations, as taught by Moseley, in order to allow for easier selection of a part of a hyperlink.



12. Claims 10 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Moseley as applied to claims 1 and 11 above, and further in view of Kodimer (US # 5781192).

As per independent claims 10 and 20, Moseley teaches all claim limitations as applied to claims 1 and 11. Moseley does not disclose that control is performed by receiving the results of voice recognition of words vocalized by a user indicating the desire to specify a range, judging whether the line of text of the recognition results agrees with a displayed line of text, and placing the focus on the displayed line of text if they agree. Kodimer teaches a data transfer system wherein, voice recognition is used to select a target range. Kodimer states, “[the] cursor can be controlled by the user through pointer device or by some other means (e.g., ... voice recognition, ....)” (column 7, line 33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include multiple means of selecting a target range, as taught by Kodimer, to a menu system that allows users to transfer information to a plurality of destinations, as taught by Moseley, in order to allow the user more options as well as accommodating handicapped users of this menu system.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rich et al. (US # 6411311) teaches a method to transfer target ranges between windows.

Peters et al (US # 5157763) teaches a method to cut, copy and paste selected data to a plurality of transfer locations.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan S Golinkoff whose telephone number is 703-305-8771. The examiner can normally be reached on 5 - 4/9 Compressed Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Jordan Golinkoff  
Patent Examiner  
October 3, 2003

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